



**REPORT FROM:** **PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER**

**TO:** **BARROWFORD & WESTERN PARISHES COMMITTEE**

**DATE:** **1st October 2020**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## **REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 1<sup>ST</sup> OCTOBER, 2020.**

**Application Ref:** 20/0463/OUT

**Proposal:** Outline: Erection of one detached dwelling with detached garage (Access Only).

**At:** 425 Gisburn Road, Blacko

**On behalf of:** Mrs J Cox.

**Date Registered:** 17 July 2020

**Expiry Date:** 21 September 2020

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is part of the residential curtilage of No. 425 which is accessed off the A682. The site is within the Open Countryside in the village of Blacko.

The application site comprises of 0.01 hect of residential garden to the rear of No.425 Gisburn Road, proposing access off an existing track onto the A682.

This is an outline application for access only for the erection of one residential dwelling.

The existing mature hedgerow which bounds the site on three sides will be retained.

### **Relevant Planning History**

20/0277/OUT – Outline: Erection of one detached dwelling (Access Only) – Approved.

### **Consultee Response**

#### LCC Highways

The Highway Development Support Section understands that this planning application is just concerned with the principle of development and access to the site. The internal layout is indicative only and so only provisional highway comments have been made regarding the layout and off-road parking provision.

From the information submitted, together with site observations for an adjacent planning application (20/0277/OUT) on 18 May 2020, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to appropriate comments being noted and conditions being applied to any planning approval.

The development site is accessed from a privately maintained, single track leading from

Gisburn Road. Public Footpath 46 (Blacko) passes along this track and immediately in front of the proposed site access.

The vehicular access for the proposed dwelling would be via the existing access point to  
425 Gisburn Road from the adjacent track

If planning permission is granted a reserved matters application will need to be submitted covering details of appearance, landscaping, layout and scale. As part of any reserved matters planning application the applicant is advised to consider the following provisional comments:

1. Pendle Borough Council's 'Car and Cycle Parking Standards' recommend the following parking provision:

- One bedroom properties to have one parking space.
- Two to three bedroom properties to have two parking spaces.
- Four and above bedroom properties to have three parking spaces.

2. To count as one parking space a single garage should have minimum internal dimensions of 6 x 3m. Where garages are below this recommended size they should not be counted as a car parking space. Double garages should have minimum internal dimensions of 6 x 6m to count as two spaces

3. The minimum dimensions for an internal single off-road parking bay on this site are

2.4m wide by 5m long, although the recommendations below should also be considered as part of the off-road parking design.

4. All drives fronting garages with up and over style doors to be a minimum of 6m long to allow room to open and close the doors; this can be reduced to 5.6m where roller shutter style doors are provided.

5. A minimum manoeuvring area of 6m should be provided to ensure that vehicles can adequately manoeuvre to and from the off-road parking areas without reversing onto the access track leading from Gisburn Road.

6. Private drives should be a minimum of 3.2m wide where they are used for shared vehicular and pedestrian access to the property.

7. Where the parking bays are adjacent to walls, fences or hedges, the bays should have a minimum clear width of 2.6m, to provide additional room to open vehicle doors.

8. At least one secure cycle space should be provided for single bedroom residential properties and two where two and above bedrooms are to be provided. A standard size garage (6 x 3m) is considered capable of accommodating two cycles. Where no garage is provided alternative covered, lockable provision should be made within the property's curtilage.

9. An electric vehicle charging points should be provided at the property.

Gisburn Road (A682) is categorised as a strategic route, carrying a high volume of traffic.

As such we recommend that conditions limiting the timing of deliveries between 9.30am and 2.30pm to avoid peak traffic flows, and also on-site wheel washing facilities, are applied to any formal planning approval granted.

If the local planning authority is minded to approve this application then appropriate conditions should be attached to grant of permission.

#### United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

No objections, subject to appropriate drainage conditions.

#### Blacko Parish Council

The previous application 20/0277/out was access only and on that basis we did not raise any objection.

This first application access was via an existing tarmac surface wider than 1 car.

The second application, 20/0463/out, proposes access from lower down the private unmade road, but as this application is just access only, the Parish Council see no reason to object, as they feel access could be made via the original tarmac.

In my previous email, I mentioned that in past years when an application was passed on this property it was to be used by land workers, and the surrounding land had to be worked, the worry is that over time this covenant on the property/land has disappeared from sight.

### PBC Environment Officer

The development does not affect any trees protected by the TPO and therefore is acceptable.

A landscaping condition will be required.

## **Public Response**

Nearest neighbours notified by letter.

Seven objections received on the following grounds:

- The access along a single track, private road and bridleway is popular with walkers and there are no passing places;
- Increase traffic and difficulty of egress onto A682 with increased traffic and parking issues;
- Further vehicle use of the junction is detrimental to the safety of pedestrians;
- The site is ribbon development and not infill;
- The proposed site is in open countryside and opens up to potentially further development;
- The site is within AONB and should be upheld;
- The proposal would seem to hinder our view and the access is on a steep incline with no clear line of site;
- Permission has already been granted for a dwelling on the same site which no-one was notified about and to which all residents would have objected;
- This could result in a small housing estate being developed which the village could clearly struggle to accommodate;
- The proposed development does not meet any local need and there do not appear to be any special circumstances which would justify building in open countryside;
- We regularly see owls, deer and kestrels in that area;
- This application contradicts a number of the Council's planning strategies;
- The location is outside the settlement boundary in an area of substantial beauty and character. The proposed development would have a grave impact on this;
- This proposal would exacerbate the erosion and encroachment on the countryside;
- Is this land working land?

## **Officer Comments**

### **Policy**

#### Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy ENV2 (Achieving Quality in Design and Conservation) all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy LIV1 (Housing Provision and Delivery) sets out the council's requirement to deliver new housing.

#### Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

Development in Open Countryside SPD.

#### National Planning Policy Framework

Paragraph 79 of the Framework details that planning decisions should avoid the development of isolated homes in the countryside, unless specific circumstances apply. This includes if there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

### **Principle of Development and Impact on Open Countryside**

The application site is located within the Open Countryside, directly adjacent to the settlement boundary of Blacko.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site is adjacent to existing residential housing and would be accessible in terms of public transport, local shops, primary school and public houses and is site approximately 60m from the settlement boundary. This would not therefore be an isolated dwelling.

In this case the proposed site is sustainable and therefore the principle of housing acceptable and accords with Policy LIV1.

The proposed application site is located to the rear of no. 425 which is a large split level bungalow built around 1960's. The site is not a prominent location which would result in a detrimental impact on the local landscape value.

There are protected trees near the site which will not be affected by this proposal and the existing hedgerows which bound the site will remain. Further details of landscaping will be controlled as part of the Reserved Matters.

Therefore the proposed development is acceptable in terms of impact on the Open Countryside and would not have a detrimental impact on the landscape and therefore accords with policies ENV1, ENV2 and LIV1.

### **Residential Amenity**

Details of the size, siting, materials and design of the proposed dwelling will be submitted as part of the Reserved Matters. Taking into account the prevalence of residential properties within the area a large detached dwelling in this location would be acceptable with appropriate parking and amenity space provided.

Moreover, the plot is large enough to accommodate a dwelling with sufficient space and separation distance from neighbouring properties to each side elevation so as not to result in unacceptable residential amenity impacts. An appropriate separation distance of over 21m can be achieved to the rear elevation of no. 425 which will prevent any issues of privacy and overlooking.

The site benefits from hedgerow screening along the boundaries for privacy with no properties immediately adjacent except the applicants property.

### **Highways Issues**

The proposed site would be accessed from a privately maintained, single track leading from Gisburn Road. Public Footpath 46 (Blacko) passes along this track and immediately in front of the proposed site access.

The vehicular access for the proposed dwelling would be via the existing access point to 425 Gisburn Road from the adjacent track.

The access way is a public right of way and therefore there will be some potential for pedestrian and vehicular conflict, however, as this is just for a short distance of 60m and would serve a limited number of dwellings then it would be acceptable and similar to other public footpaths in the area.

The application site allows for adequate off street parking and manoeuvring and therefore no concerns are raised in that regard.

Subject to suitable conditions to ensure appropriate washing measures are in place no objections are raised on highway safety grounds in relation to the proposed access point.

### **Other issues**

Comments have been made regarding the status of the land and whether it has to remain as "working land". When considering planning applications regard to given to

its appropriate designation in the current Local Plan and how the proposal accords with the relevant policies. In this case the site is Open Countryside but is close to the settlement boundary. There are no planning restrictions which would prevent the land being used for residential development subject to the policies. It is possible that a covenant was placed on the site but this would be a legal matter and does not affect the planning process.

Reference has been made to the site being within Greenbelt and an Area of Outstanding Natural Beauty. This is not the case.

In terms of wildlife the site is part of an existing curtilage and therefore can be maintained and developed in accordance with permitted development rights. Nearby wildlife might be temporarily affected during constructed work but this would not be a reason to refuse the scheme.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, scale and landscaping of the development) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the layout, appearance, scale and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:



1:1250 Location Plan & CAL 2020 010 001.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

4. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the dwelling is occupied.

**Reason:** To ensure proper drainage and manage risk of flooding and pollution.

5. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice

Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. Prior to the commencement of development, facilities shall be provided within the site for the cleaning of wheels of construction vehicles before leaving the site. These shall remain available for use during the full period of construction.

**Reason:** In order to prevent stones and mud being carried onto the public highway at the detriment of highway safety.

7. No hedgerow shall be removed from the site without the prior written approval of the Local Planning Authority. Any hedgerow removed shall be replaced in the next planting season in accordance with details to be submitted and agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure an appropriate boundary is retained to the Open Countryside.

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**Proposal:** Outline: Erection of one detached dwelling with detached garage (Access Only).

**At:** 425 Gisburn Road, Blacko

**On behalf of:** Mrs J Cox.

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 21<sup>st</sup> September 2020**